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OFFICE OF PETITIONS

Decision on Petition

In re Application No. 10/611,307
Reissue of Patent No. 6,320,214
Original Issue Date: November 20, 2001
Reissue Filing Date: not accorded
Attorney Docket No. 10873.352USRE

This is a decision on the petition filed June 14, 2004, to accord the above-identified application a filing date of July 1, 2003.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Since this is a reissue application, the content of the specification, claims, and drawings are not in question. Therefore, on petition, copies of the specification, claims, and drawings may be entered and the application can be accorded a filing date of July 1, 2003. Petitioner alleges copies of these documents have been provided. However, such copies cannot be located in the file. A "new" copy of the prior specification, claims, and drawings should be submitted. Petitioner should ensure the copy complies with the requirements of 37 CFR 1.173. The submission of the "new" copy should result in the grant of the renewed petition.

A petition fee of \$130 will be charged to petitioner's deposit account since a petition was necessary for the relief requested. Specifically, petitioner has not proven a copy of the prior patent was filed on July 1, 2003. The postcard receipt indicates an Office employee verified the papers included at least one copy of a patent. The file includes a copy of a foreign patent with a patent number of JP9321249. The postcard does not prove that a copy of patent no. 6,320,214 was present at filing.

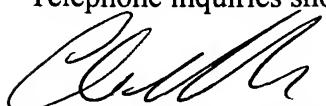
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (703) 872-9306
 Attn: Office of Petitions

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3206.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions